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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,945	10/11/2001	Charles Paclat	THEOR-205.1-US	9612
24972	7590	10/06/2004	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			KHATRI, ANIL	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/975,945

Applicant(s)

PACLAT, CHARLES

Examiner

Anil Khatri

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/23/2004
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by *Francis et al* USPN 6,665,861.

Regarding claims 1 and 12

*Francis et al teaches:*

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- (a) analyzing a business domain to determine functional requirements of business domain (column 5, lines 38-46, “EJB component developer... EJB container”);
- (b) transforming functional requirements into an EJB component model (column 5, lines 38-46, “EJB component developer... EJB container”, lines 50-53, “business method... a specialist”); and
- (c) building an BJB component in accordance with BJB component model that encompass the business functionality of said business domain (column 6, lines 5-10, “EJB component...database 350”).

Regarding claims 2 and 14

*Francis et al teaches:*

- modifying said functional requirements by a user (column 5, lines 16-21, “EJB is designed... to the framework”); and
- repeating the steps (b) and (c) to provide a parallel development process (column 6, lines 24-35, “allows designer an EJB... meta data information”).

Regarding claim 3

*Francis et al teaches:*

- EJB components are extensible and configurable (column 5, line 34-, “ EJB container provide...”).

Regarding claims 4-6

*Francis et al teaches:*

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- functional requirements include data and process model of business domain (column 5, lines 38-46, “EJB component developer... EJB container”, lines 50-53, “business method... a specialist”).

Regarding claim 7

*Francis et al teaches:*

- step of analyzing includes the step of generating a function matrix from list of inputs (figure 7, column 8, lines 38-46, “the persistent storage model contain a table... storage model”).

Regarding claims 8 and 11

*Francis et al teaches:*

- step of transforming transforms said functional requirements using an unified modeling language (UML) tool to generate said EJB component model (columns 6-7, lines 64, UML with the ...collaborative environments”).

Regarding claims 9 and 14-16

*Francis et al teaches:*

- EJB component model includes a plurality of EJB classes (figures 5 and 9, column 5, lines 29-34, “ EJB component is a Java class... component class”).

Regarding claim 10

*Francis et al teaches:*

- (d) step of building builds said EJB component from at least one of the following class stereotypes: Belonging, Session, Entity, Configurable Entity, Business Policy and Workflow (column 5, lines 38-46, “EJB component developer... EJB container”, lines

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50-53, "business method... a specialist", column 8, lines 32-36, "figure 6 the EJB... finteger and fstring").

Regarding claim 13

*Francis et al teaches:*

Step of building includes the step of generating relational mapping and deployment descriptors (figure 5, column 7, lines 53-67, EJB creation tool... distributed manner").

Regarding claim 17

*Francis et al teaches:*

- EJB component is a Smart component having at least one of following Smart feature: Smart Key, Smart Handle and Smart value (column 6, lines 11-14, "while another specialist creates the additional classes..", lines 19-24, "EJB designer is given a mechanism... deployed EJB").

Regarding claim 18

*Francis et al teaches:*

- Smart component is an eBusiness Smart component (column 5, lines 10-15, column 8, lines 7-13, "EJB model... to be deployed").

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure..

- USPN 6167563
- USPN 6779177
- USPN 6742015

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- USPN 6715145

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri, Primary Examiner whose telephone number is 703-305-0282. The examiner can normally be reached on M-F 8:30-5:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**ANIL KHATRI**  
**PRIMARY EXAMINER**